

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) PINNACLE PACKAGING COMPANY,)
INC., an Oklahoma corporation,)
2) POLO ROAD LEASING, LLC, an Okla-)
homa limited liability company, and)
3) J. SCOTT DICKMAN,)

Plaintiffs,)

vs.)

4) ONE EQUITY PARTNERS LLC, a)
Delaware limited liability company, and)
5) CONSTANTIA FLEXIBLES GmbH, an)
Austrian corporation,)

Defendants.)

Case No. 12-CV-537-JED-TLW

OPPOSED MOTION OF PLAINTIFFS FOR SCHEDULING CONFERENCE

The Plaintiffs, Pinnacle Packaging Company, Inc., Polo Road Leasing, LLC, and J. Scott Dickman (collectively “Plaintiffs”), move the Court to set a Scheduling Conference in this case. In support of this Motion, the Plaintiffs show the Court:

1. In this Court’s Scheduling Order filed July 2, 2013 [DKT 44], there is the following footnote:

Upon conclusion of the briefing deadlines set by this Scheduling Order, a comprehensive Scheduling Order will be implemented, with the parties’ input.

The deadlines in the referenced Scheduling Order have lapsed, such that the Plaintiffs believe a Scheduling Conference should be conducted.

2. Counsel for the Defendants have been contacted and Defendants’ counsel has requested that Plaintiffs recite that Defendants oppose the entry of a scheduling order until after their motions to dismiss have been decided. Plaintiffs suggest that at the least some limited discovery should be permitted of third party witnesses, because of the risk of loss of documents and the threat

of stale memory.

WHEREFORE, the Plaintiffs respectfully request that the Court set a Scheduling Conference at its earliest opportunity, and that they receive other just and appropriate relief.

s/Laurence L. Pinkerton

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2014, I electronically transmitted the foregoing pleading, to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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